REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Applicant acknowledges with appreciation the indication in the Office Action that claims 22, 23, and 26 are allowed. Claims 21 and 25 are now cancelled.

Claims 24 and 27 stand rejected, under 35 USC §103(a), as being unpatentable over Elliott et al. (US 2004/0022237) in view of Chen et al. (US 2003/0202475), Berenbaum (US 2002/0097679), and Jankowski (US 4,052,568). The Applicant respectfully traverses these rejections as follows.

Claim 24 defines a base station apparatus that, *inter alia*, detects, as a speech packet, a transmission packet generated in a generation period close to a speech packet encoding period. The Office Action acknowledges that Elliott, Chen, and Berenbaum do not disclose this subject matter (see Office Action, section 40).

To overcome this deficiency, the Office Action proposes that Jankowski discloses, in Fig. 1, a detector that compares the amplitude of digitally encoded samples of a signal to a fixed threshold and characterizes the signal as voice if the amplitudes of the samples are above the threshold and otherwise characterizes the signal as noise (see Office Action, section 41). More specifically, the Office Action proposes that Jankowski's digitally encoded signal samples correspond to the claimed encoding period (see section 41, line 2).

However, samples of a signal provide an indication of the amplitudes (e.g., voltage, current, power amplitudes) of the signal at the sampled moments in time (see Jankowski's Fig. 1) and digitally encoded signal samples are digital values that represent the amplitudes of the signal

at the sampled moments. Thus, Jankowski's digitally encoded signal samples would have units of voltage, current, power, etc., whereas the Applicants' claimed period has units of time (e.g., seconds).

And although each signal sample disclosed by Jankowski occurs over a period of time, Jankowski does not disclose that each sampling of the signal employs a different amount of time for acquiring the sample and a skilled artisan would recognize that the amount of time for acquiring each signal sample is the same. Thus, even if Jankowski's digitally encoded signal sample periods corresponded to the claimed encoding period, as proposed in the Office Action, no reason would exist to compare such periods to a threshold because each period would be identical in length; and all of the comparisons would indicate either that: (1) the signal samples are always voice signals and never non-voice signals or (2) the signal samples are always non-voice samples and never voice samples. It follows, then, that Jankowski does not disclose comparing a sampling period (i.e., encoding period, as characterized by the Office Action) to a fixed threshold value to determine whether a sampled signal represents voice or non-voice information, as proposed in the Office Action.

Moreover, Jankowski illustrates, in Fig. 1, how the amplitude of a signal is compared to the amplitude of a threshold at each of multiple moments in time. Jankowski does not disclose determining when a packet was generated and determining how close in time this generation occurs with respect to a particular moment in time. Simply put, Jankowski does not disclose determining the amount of time existing between the occurrence of two events.

The Applicants' claimed subject matter determines whether a packet represents speech or non-speech information based on whether the packet was generated in close time-proximity to a

speech-packet encoding period. Thus, the claimed subject matters determines whether information within a packet represents speech or non-speech based on the time-proximity of the packet's generation to a particular event, whereas Jankowski discloses determining whether information represents speech or non-speech based on whether the amplitude of the information at a particular time exceeds a reference value.

Furthermore, Jankowski discloses that a signal is determined to contain voice information if the amplitude of the signal exceeds a threshold (i.e., the amplitude is large), whereas the Applicants' claimed subject matter determines that voice information exists when a time proximity is small (i.e., the difference in time is small). Still further, Jankowski discloses a fixed threshold level (see Jankowski, Fig. 1 and column 1, lines 37-44), whereas Applicant's claimed generation period for a packet is not a fixed value, but is relative to the encoding period of the packet.

Accordingly, the Applicant submits that the teachings of Elliott, Chen, Berenbaum and Jankowski, even if combined as proposed in the Office Action, still would lack the above-noted subject matter of claim 24 and thus these references, considered individually or in combination, do not render obvious the subject matter defined by claim 24. Independent claim 27 similarly recites the above-mentioned subject matter distinguishing apparatus claim 24 from the applied references, but does so with respect to a method. Therefore, allowance of claims 24 and 27 is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a personal communication, the Examiner is requested to e-mail the undersigned at the address listed below.

Respectfully submitted,

/James Edward Ledbetter/

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JEL/DWW/att

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